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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-580

JENNIFER ELIZABETH FORD

23318 LA Hwy. 16
Denham Springs, LA 70726

DEFAULT DECISION AND ORDER

Registered Nurse License No. 712447

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about December 29, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-580 against Jennifer Elizabeth Ford (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about September 13, 2007, the Board of Registered Nursing (Board) issued Registered Nurse License No. 712447 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

3. On or about December 29, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-580, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions

1 Code section 136 and/or agency specific statute or regulation, is required to be reported and
2 maintained with the Board, which was and is:

3 23318 LA Hwy. 16
4 Denham Springs, LA 70726

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. The aforementioned documents have not been returned by the U.S. Postal Service.

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts
12 of the accusation not expressly admitted. Failure to file a notice of defense shall
13 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
14 may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
17 580.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
22 respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 2011-580, finds
28 that the charges and allegations in Accusation No. 2011-580, are found to be true and correct by
clear and convincing evidence.

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10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$590.00 as of January 31, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jennifer Elizabeth Ford has subjected her Registered Nurse License No. 712447 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent engaged in unprofessional conduct in violation of Code section 2761(a)(4), in that on or about March 17, 2010, the Louisiana State Board of Nursing issued an Order suspending Respondent's Louisiana's Registered Nurse License No. 101574, for failure to comply with provisions of a Program Agreement (Agreement) that Respondent entered into with the Recovering Nurse Program ("RNP") on or about November 10, 2009. Respondent entered into the Agreement as a result of diverting Dilaudid from her employer on or about September 11, 2009. Respondent also tested positive for alcohol on or about September 22, 2009. The Agreement prohibited Respondent from using any and all potentially addictive chemicals, including alcohol. Respondent violated the Agreement by failing to submit to urine drug screens on three occasions and by testing positive for Oxymorphone on February 23, 2010.

b. Respondent violated Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(a), in that on September 11, 2009, Respondent unlawfully obtained, possessed, and self-administered Dilaudid, a controlled substance, after taking the Dilaudid from her employer for her own personal use. Further, on February 23, 2010, Respondent unlawfully possessed and self-administered Oxycodone, a controlled substance.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 712447, heretofore issued to Respondent Jennifer Elizabeth Ford, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 2, 2011.

It is so ORDERED March 30, 2011.


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

10660541.DOC
DOJ Matter ID:SA2010101877

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorney General of California
2 ALFREDO TERRAZAS
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6 Telephone: (916) 445-7384
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-580**

13 **JENNIFER ELIZABETH FORD**
23318 LA Hwy. 16
Denham Springs, LA 70726

A C C U S A T I O N

14 **Registered Nurse License No. 712447**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about September 13, 2007, the Board issued Registered Nurse License Number
22 712447 to Jennifer Elizabeth Ford ("Respondent"). The license was in full force and effect at all
23 times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

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1 **COST RECOVERY**

2 6. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUGS**

7 7. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled substance as
8 designated by Health and Safety Code section 11055(b)(1)(K).

9 8. "Oxymorphone," is a Schedule II controlled substance as designated by Health and
10 Safety Code section 11055(b)(1)(O).

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Out-of-State Discipline)**

13 9. Respondent is subject to discipline under Code section 2761(a)(4), in that on or about
14 March 17, 2010, the Louisiana State Board of Nursing issued an Order suspending Respondent's
15 Louisiana's Registered Nurse License No. 101574, for failure to comply with provisions of a
16 Program Agreement that Respondent entered into with the Recovering Nurse Program ("RNP")
17 on or about November 10, 2009. Respondent entered into the Program Agreement as a result of
18 diverting Dilaudid from her employer on or about September 11, 2009. Respondent also tested
19 positive for alcohol on or about September 22, 2009.

20 10. The Program Agreement prohibited Respondent from using any and all potentially
21 addictive chemicals, including alcohol, alcohol containing products, marijuana, tranquilizers,
22 sedatives, stimulants, narcotics, opioids, including ultram (tramadol), nubain, soporitics,
23 androgenic steroids, or any other addictive drug. Respondent violated the Program Agreement in
24 the following respects:

25 a. On or about November 18, 2009, November 23, 2009, and December 4, 2009,
26 Respondent failed to submit to urine drug screens. During a subsequent meeting with the
27 Louisiana Board, Respondent was advised in writing that any further non-compliance would
28 result in the automatic suspension of her license. Respondent signed the letter on that date.

1 b. On or about February 23, 2010, Respondent tested positive for Oxymorphone.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Obtained, Possessed, and Self-Administered Controlled Substances)**

4 11: Respondent is subject to discipline under Code section 2761(a), on the grounds of
5 unprofessional conduct, as defined in Code section 2762(a), in that while a registered nurse,
6 Respondent did the following:

7 **September 11, 2009**

8 a. Respondent obtained Dilaudid, a controlled substance, by fraud, deceit,
9 misrepresentation or subterfuge or by the concealment of a material fact in violation of Health
10 and Safety Code section 11173(a), by taking Dilaudid from her employer for her own personal
11 use.

12 b. Respondent possessed Dilaudid, a controlled substance, in violation of Code section
13 4060, in that she did not have a prescription for that controlled substance.

14 c. Respondent self-administered Dilaudid, a controlled substance, without direction to
15 do so from a licensed physician and surgeon, dentist or podiatrist.

16 **February 23, 2010**

17 a. Respondent possessed Oxymorphone, a controlled substance, in violation of Code
18 section 4060, in that she did not have a prescription for that controlled substance.

19 b. Respondent self-administered Oxymorphone, a controlled substance, without
20 direction to do so from a licensed physician and surgeon, dentist or podiatrist.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 712447, issued to Jennifer Elizabeth Ford;
2. Ordering Jennifer Elizabeth Ford to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/29/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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